

PART XII.—ACQUISITION OF LANDS FOR FORESTS.

1. Collectors cannot, without the sanction of the Commissioners and Government, transfer lands to the Forest Department. (G. R. No. 6460, dated 14th December 1878.)

2. Whenever the Forest Department propose to take up land for forests, the application should invariably be forwarded, in the first place, to the Collector of the District, who should submit the matter with his opinion thereon to the Commissioner of the Division. The opinion of the Collector should always be given *fully*. Government look to the Collectors, who are in a better position to judge than Forest Officers, that in no instance is more money given by Government for the right of occupancy of its own land than is absolutely necessary. (G. R. No. 1653, dated 26th March 1879.)

3. Actually occupied survey numbers cannot be declared to be reserved forests or dealt with under Section 4 of the Indian Forest Act, 1878. If such numbers are urgently required for forest purposes, possession of them will have to be obtained under the Land Acquisition Act in accordance with Section 83 of the Indian Forest Act. (G. R. No. 2571, dated 17th May 1880.)

4. No land can be taken up under the Land Acquisition Act until a declaration has been made and published by Government under Section 6 to the effect that such land (describing it) is needed for a public purpose. Under Section 7 the appointment of the Collector or special officer to take order for the acquisition of the land should follow and not precede such appointment. (L. R. No. 1304, dated 26th September 1883; *vide* G. R. No. 7440, dated 5th October 1883.)

5. If Government occupied lands are required for forests, they must be acquired in the usual manner. The process of acquisition of all the area needed may be gradual and long, but this is preferable to securing the land by either paying rent for it on a lease, or giving for it certain forest rights. Resort should only be had to the Land Acquisition Act in exceptional cases when for special reasons it is particularly desirable to secure at once possession of land which cannot otherwise be obtained. In ordinary circumstances it is not advisable to adopt so strong and extreme a procedure, which must be distasteful to the persons affected by it and must tend to intensify any dislike which may be felt to the Forest Department and its operations. (G. R. No. 5858, dated 20th July 1885.)

6. Unless a field is duly acquired by Government either by purchase or otherwise it is improper to notify it under Section 4 of the Forest Act. Such notifications are productive of unnecessary confusion and trouble. (G. R. No. 7537, dated 25th October 1886.)

7. It is not desirable to bring into operation the provisions of the Land Acquisition Act in order to secure land for forest except in special cases when the immediate acquisition of the occupied land is urgently needed. (G. Rs., F. D., Nos. 3530, dated 30th December 1887, and 3950, dated 21st December 1888, and G. R. No. 2483, dated 30th March 1889.)

8. It is undesirable to employ the Land Acquisition Act for the purpose of acquiring land to round off a forest block which is intended to be classified as 'pasture.' (G. R. No. 9019, dated 16th November 1892.)

9. It cannot be imagined or hoped that acquisition of lands required for forests will be concurrent with demarcation. It is the duty of the Demarcation Officer to see and decide what he ought to recommend for inclusion within the demarcation area; and he will acquire by exchange and negotiation and in some cases by purchase some of the lands required. Others will no doubt be waste and available; still there must be a considerable extent of land held by different owners which cannot be at once acquired, but of which as it has been included in the demarcation area, lists will be made. As time passes on, some will naturally fall in from resignations and much will no doubt be offered for exchange or sale; and the District and Forest Officers with these lists before them will year by year be able to acquire very considerable areas, which will then be included within forests by notification. (G. R. No. 409, dated 17th January 1883.)

10. In all cases in which it is proposed to purchase lands for forests, the Divisional Forest Officer should submit the applications to the Forest Settlement Officer in the first instance for opinion. (G. R. No. 1045, dated 7th February 1883.)

11. Commissioners are authorized to sanction purchases of lands, the inclusion of which in forests has already been approved by Government, provided that there is budget provision to meet the expenditure proposed to be incurred in each case. (G. R. No. 1609, dated 27th February 1883.)

12. In ghát talukas it will be permissible to purchase lands outside the demarcated area if they adjoin that area.

In cases when they do not adjoin that area, and there is a Forest Settlement and Demarcation Officer, the lands may be purchased, provided that that officer approves of the purchase. Where there is no Forest Settlement and Demarcation Officer, no lands outside the demarcated area should be purchased, unless they adjoin the demarcated area or if they are beyond the demarcated area without the special sanction of Government. In all cases in which such sanction is applied for, full detailed reasons

should be given in each case and an explanatory map should accompany each application.

It must be understood that Government do not desire the extension of the demarcated area except for special reasons such as that the land to be added is of such character and position that it certainly would have been included in the demarcation if it had been available at the time. The Commissioner of the Division should decide in each case of proposed addition whether the land should be acquired for forest or not.

(G. R. No. 7303, dated 8th September 1885.)

13. The Forest Settlement Officer should always consult the Conservator before actually concluding an exchange of notified forest land for other land. (G. R. No. 5888, dated 21st July 1885.)

14. Government in Resolution No. 529 of 26th January 1881 (paragraph 3) authorized the Forest Demarcation Officer of Poona to effect exchanges, subject to the concurrence of the District Forest Officer, and without the previous sanction of Government, in cases where lands occupied but suitable for forest purposes could be obtained in exchange for lands which although already notified as reserved forests were less suitable for forest conservancy, and where prompt action was desirable.

(2). As the scope of these orders has evidently been misunderstood, it is necessary to point out that it was not the intention of Government that the authority thus conveyed should be exercised generally by all Forest Demarcation Officers, and that no steps were taken at the time, or have since been taken, to extend the authority to any district other than that specified in the Resolution.

(3). The procedure sanctioned by the Resolution quoted was a departure from the ordinary practice necessitated by exceptional circumstances, and Government does not consider it necessary or desirable—under existing circumstances—to extend it to other districts, or even to authorize its continuance in the Poona District.

(4). It should be understood, therefore, that in future no land which has been finally constituted reserved forest under Section 19 or Section 31 of the Forest Act should be given in occupancy, or otherwise disposed of, without the previous sanction of Government.

(5). The case of waste lands which have been notified as proposed reserved forests under Section 4 of the Act, or as protected forests, rests on a different footing. Instances may occasionally occur when *assessed* waste lands belonging to either or both the above categories may advantageously be exchanged for occupied lands which fall within the proposed forest boundaries, or are more suitable for forest purposes, and where the delay incidental to obtaining previous sanction may result in the failure of the negotiations. Whenever prompt action is ne-

cessary in such cases, Forest Settlement and Demarcation Officers may be authorized to effect exchanges at their discretion, with the concurrence of the District Forest Officer, without previous sanction of Government. The authority hereby given does not extend, however, to the utilization, for exchange purposes without previous sanction, of any unassessed areas included in forests.

(G. R. No. 6129, dated 6th September 1893.)